

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,)
Plaintiff,)
v.) Criminal Action No. 07-127-SLR
SHAWN CUFF)
Defendant.)

**UNOPPOSED MOTION TO CONTINUE SUPPRESSION HEARING AND
SET STATUS CONFERENCE**

NOW COMES the United States of America, by and through its attorneys, Colm F. Connolly, United States Attorney for the District of Delaware, and Shawn A. Weede, Assistant United States Attorney for the District of Delaware, and hereby submits the following:

1. On September 13, 2007, the defendant was indicted with three counts of possession with intent to deliver controlled substances, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(B) & (b)(1)(C).
2. On October 2, 2007, the defendant was arraigned on the above charges and did not contest the Government's Motion for Detention.
3. The Court has scheduled a suppression hearing in this matter for April 7, 2008, at 3:30 p.m.
4. Earlier this week counsel for the defendant, Christopher G. Furlong, Esquire, contacted the Government and indicated that he intended to request a continuance of the suppression hearing. The reasons for the requested continuance are outlined in a Motion for Continuance of Suppression Hearing that Mr. Furlong sent to the Government via facsimile. A copy thereof is attached to this Motion as Exhibit 1.
5. It is the Government's understanding that, as of April 4, 2008, the defendant's motion has

not yet been docketed. Accordingly, since the suppression hearing date is fast approaching, the Government is filing the instant motion, requesting that the Court continue the suppression hearing currently scheduled for April 7, 2008 at 3:30 p.m. The Government also respectfully requests that the Court set a date for a telephone status conference next week in order to schedule a new date and time for the suppression hearing.

6. The Government further requests that the Court exclude the time from the date of this motion until the date it sets for the telephone conference, under the Speedy Trial Act (18 U.S.C. § 3161 *et seq.*). The government submits that the time is excludable because the ends of justice served by the delay outweigh the best interest of the public and the defendant in a speedy trial. *See* 18 U.S.C. § 3161(h).

WHEREFORE, the Government respectfully requests that the Court grant its Unopposed Motion to Continue Suppression Hearing and Set Status Conference. A proposed Order is attached.

Respectfully submitted,

COLM F. CONNOLLY
United States Attorney

By: /s/ Shawn A. Weede
Shawn A. Weede
Assistant United States Attorney

Dated: April 4, 2008

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ORDER

Having considered the government's Motion to Continue Suppression Hearing and Set Status Conference, **IT IS HEREBY ORDERED** that the Suppression Hearing scheduled for April 4, 2008, is canceled.

IT IS FURTHER ORDERED that a telephone status conference is set for the _____ of _____, 2008, with the Court initiating said call.

IT IS FURTHER ORDERED that the period from April 4, 2008, to the date of the above telephone status conference is excluded under the Speedy Trial Act, because the ends of justice served by the delay outweigh the best interest of the public and the defendant in a speedy trial. *See* 18 U.S.C. § 3161(h).

The Honorable Sue L. Robinson
United States District Judge

Dated:

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA : No. 07-127-SLR

v.

SHAWN D. CUFF

DEFENDANT, SHAWN D. CUFF'S, MOTION
FOR CONTINUANCE OF SUPPRESSION HEARING

TO THE HONORABLE SUE L. ROBINSON, A JUDGE OF SAID COURT:

Defendant, Shawn D. Cuff, by and through his Court-appointed counsel, Christopher G. Furlong, Esquire, hereby requests your Honorable Court to continue the Hearing scheduled in the above-noted matter on Defendant's Suppression Motion and in support thereof respectfully represents as follows:

1. On or about February 26, 2008, subsequent to a Status Conference, this Court scheduled a Hearing on a Suppression Motion filed by Defendant's prior counsel for Monday, April 7, 2008, at 3:30 p.m.
2. Subsequent to the issuance of that Order, Defendant, through counsel, filed an Ex Parte Motion with the Court requesting assistance in preparing for said Hearing.
3. Due to unforeseen circumstances, the Court was unable to address Defendant's application until March 31, 2008.
4. In the intervening time, the Defendant, though his counsel, was unable to pursue and investigate areas of concern relative to the Motion in order to adequately prepare for the Hearing on same.

5. Defendant has now learned that this week the Court has approved his request in order to assist counsel in investigating and adequately preparing for said Hearing.

6. Unfortunately, due to the limited time left between the approval and the scheduled hearing date, Defense counsel respectfully requests this Court to afford him additional time now in which to afford him the opportunity to use the services authorized.

7. Defense counsel is advised by the now approved authorized assistant that the assistant will be out of the State of Delaware from April 1, 2008 to at least April 11, 2008.

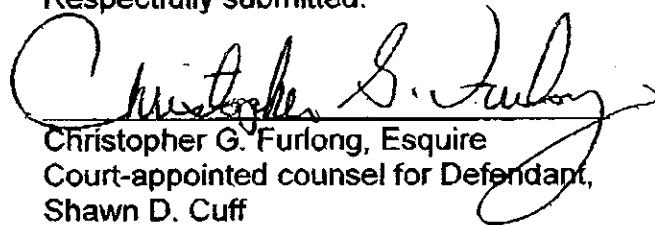
8. Defendant's counsel has spoken with the Assistant United States Attorney to whom this matter has been assigned and he has indicated that he has no opposition to this request. However, due to his pending trial schedule, he asks that the matter not be listed before May 19, 2008.

9. Defendant's counsel, due to a prior commitment, will not be back in the Commonwealth of Pennsylvania until May 20, 2008. If the Court is inclined to grant the present application, defense counsel requests that this matter not be listed before May 21, 2008.

WHEREFORE, Defendant requests this Honorable Court to grant his request in

continuing the hearing scheduled for April 7, 2008, so that Defendant can follow up on the areas of need.

Respectfully submitted:



Christopher G. Furlong, Esquire
Court-appointed counsel for Defendant,
Shawn D. Cuff

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CERTIFICATE OF SERVICE

I, Sherry Kaminski, an employee with the United States Attorney's Office, hereby certify that on the 4th day of April 2008, I served the forgoing:

Unopposed Motion to Continue Suppression Hearing and Set Status Conference

by causing two copies of said document to be served on counsel of record by First Class Mail as follows:

Christopher G. Furlong, Esq.
22 East Third Street
Media, PA 19063

Sherry Kaminski
Sherry Kaminski